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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 IN RE: Bard IVC Filters Products Liability
10 Litigation,

No. MDL 15-02641-PHX DGC

11 **CASE MANAGEMENT ORDER**
12 **NO. 37**

13
14 The Court held a final pretrial conference with the parties on September 6, 2018.
15 This Order will reflect matters discussed during the final pretrial conference.

16 **A. Jury Selection.**

17 The Court will excuse for hardship the jurors listed in Docs. 12113 and 12375. In
18 addition, the Court will excuse jurors 19 and 179 for hardship.

19 After hearing arguments from the parties, the Court excused the following jurors
20 for cause: 9, 35, 40, 49, 61, 63, 66, 78, 80, 118, 146, 163, and 199.

21 The Court will call the 55 potential jurors listed below to appear for jury selection
22 on the morning of September 18, 2018. By noon on September 14, 2018, the parties shall
23 provide the Court with a list of witnesses to be provided to potential jurors on the
24 morning of September 18, 2018.

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25 The Court provided counsel with proposed voir dire questions. Counsel should be
26 prepared to address those questions before the start of trial on September 18, 2018.

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1 The Court provided counsel with proposed preliminary jury instructions. Counsel
2 should be prepared to address any objections to those instructions before the start of trial
3 on September 18, 2018.

4 **B. Issues to be Resolved Before Trial.**

5 The Court took under advisement Defendants' argument that the negligence per se
6 claim is preempted, Plaintiffs' objection to the use of Dr. Asch's previous trial testimony
7 during trial, and Defendants' contention that the presumption in Wis. Stat. §
8 895.047(3)(B) should apply in this case. The Court has entered its Order (Doc. 12589)
9 on this issue.

10 The parties have provided the Court with a number of additional deposition
11 designations. The Court has reviewed the designations and entered its Order
12 (Doc. 12590) on the designations by the parties.

13 **C. Final Pretrial Order.**

14 The Court approved the parties' Final Pretrial Order (Doc. 12388) with a few
15 modifications stated on the record. The Final Pretrial Order as approved will govern the
16 trial in this case, and may be amended only upon the showing required by Federal Rule of
17 Civil Procedure 16(e).

18 All other trial-related matters have been addressed in previous Orders of the Court.

19 Dated this 3rd day of October, 2018.

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30 David G. Campbell
31 Senior United States District Judge